

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 2948 of 1995

with

CRIMINAL REVISION APPLICATIONS No 2949, 290,
2951 & 2952 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MOTILAL PUROHIT

Versus

RAKESH KUMAR MADANLAL

Appearance:

1. Criminal Revision Application No. 2948 of 1995
MR SV RAJU for Petitioner
MR BN Keshwani for Respondent No. 1
2. Criminal Revision ApplicationNo 2949 of 1995
MR SV RAJU for Petitioner
MR BN Keshwani for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 09/04/97

COMMON JUDGEMENT

In this group of Revision Application, the question involved is whether the Court of Metropolitan Magistrate has jurisdiction to entertain the complaint filed by the petitioner or not. The learned Addl. Sessions Judge, Ahmedabad, in the Revision Application, held that the Court of Metropolitan Magistrate will have no jurisdiction and as such by the impugned order dated 10.10.1995, dropped the proceedings.

2. Having heard the learned counsel for the petitioner, without going into the question of jurisdiction, in my view, there is a manifest error in the order of the learned Addl. Sessions Judge when he directed for dropping of the proceedings. If the court has no jurisdiction, in that event, the complaint could be returned to the complainant for presentation before the appropriate court having jurisdiction.

3. In view of the aforesaid, all the aforesaid Criminal Revision Applications are partly allowed and the order of the learned Addl. Sessions Judge, Court No.15, Ahmedabad is quashed and set aside so far as it relates to the dropping of the proceedings is concerned. The complaint shall be returned to the complainant for presentation before the appropriate court having jurisdiction. It is made clear that so far as the point of limitation is concerned, on presentation of the complaint before the appropriate court having jurisdiction, the date on which the complaint filed at Ahmedabad shall be deemed to be the date of filing of the complaint.

Rule made absolute accordingly in each of the Applications.

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